

The Magistrates Monitor:

OR,

Several Considerations & Observations

Upon the A C T against

SEDITIONOUS CONVENTICLES.

Humbly offered to the serious Consideration of all

Judges, Justices of the Peace, and other

inferiour Officers, concern'd in the

Prosecution of

Protestant Dissenters.

And submitted to the Judgment of all

Conforming and Nonconforming

PROTESTANTS

FOrasmuch as the aforesaid Act, hath been, and still is, vigorously Prosecuted against the Protestant Dissenters, to the very great damage of many good Families, who are His Majesties peaceable Subjects, of whom it may be truly said, There is no matters against them, except it be concerning the Law of their God, as it was said heretofore concerning *Daniel*.

Therefore in order to a better understanding of the aforesaid Act, let the several particulars thereof be warily and soberly considered, with some Observations upon it.

First, Consider the Title of the said Act, which is called *An Act to prevent and suppress Seditious Conventicles*. Now it is well known that Titles of Acts are as keys to open the said Acts, and by the Title of the aforesaid Act it do plainly appear, that any Assembly or every gathering together of People, is not intended by the King and Parliament, but such Assembly as in express words is mentioned, *viz. Seditious Conventicles*, and therefore whosoever stretches the Law beyond the express words thereof agreeable to sound Reason will not only abuse His Majesties Subjects, but the Law also, and instead of looking on the Law as a rule to walk by, make it an Engine of Ruine; therefore let these words, *Seditious Conventicles*, be well inquired into, least they be applied unto such Meetings of His Majesties Subjects as are not guilty thereof, especially considering that in Ages past, such have been charged with Sedition, when they were innocent of such a Crime, as may be seen in the Holy Scriptures; when the Jews went about to build the Walls of Jerusalem, and the House of their God, *Rehum* the Chancellor and *Shimshai* the Scribe (or Secretary) wrote to the great King *Artaxerxes*, charging them with Rebellion and Sedition, and they called Jerusalem the Rebellious and bad City, see *Ezra* 4. 9, 12, 15. And the blessed Apostle *Paul*, when he stood before most noble *Felix*, a certain Orator named *Tertullus* vehemently accused *Paul* that he was a pestilent Fellow and a mover of Sedition, pray see *Acts* 24. 1, 5. Whereas *Paul* did but Preach the way of Salvation to any number of People that would Assemble together and hear the Blessed Doctrine of the Gospel; and this is the practise that the Dissenting Protestants desire to follow, and therefore let it be soberly inquired into,

1 Whether any number of people quietly and solemnly Assembled together to Preach and hear Salvation by the blessed Merits of Christ, and a holy Conversation according to the Holy Scriptures, can be indeed and in truth a Seditious Conventicle.

2 Whether the aforesaid matters (*viz.* Preaching and hearing of Salvation by the blessed Merits of Christ, and a holy Conversation according to the Holy Scriptures) be not the constant practice of the Protestant Dissenters in all their Meetings? If any should say they cannot tell whether this be their practise, because they do not go to any of their Meetings, let such take heed they do not lay other things to their charge, they being ignorant of their Meetings: and let such as daily attend their Meetings be witness of the truth of these things either for them or against them as they will answer it before the God of Heaven and Earth.

And therefore from the Title of this Act, these things being considered, these Observations are humbly proposed:

Observ. 1. That such Meetings of People as have no seditious speeches nor seditious practices, are not Seditious Conventicles.

Observ. 2. That Protestant Dissenters, Promoting the Protestant Religi-

on in their Meetings, (viz. Faith in a Crucified Christ, Repentance for Sin against God, and a godly Life in this World) ought not to be charged with Seditious Conventicles.

Observ. 3. That such as cannot be proved guilty of Seditious Meetings, ought not to be Prosecuted by the aforesaid Act.

Secondly, Consider the good design of the aforesaid Act, and that is, To provide Remedy against the growing and dangerous practices of SEDITIOUS Sectaries, and other DISLOYAL Persons, who under pretence of Tender Consciences have or may at their Meetings contrive Insurrections, page 1.

From this part of the Act, these things are to be observed :

Observ. 1. That Seditious Sectaries and other Disloyal Persons, are the only Offenders intended by this Act, and the Protestant Dissenters do *abhor* to be such, and can comfortably appeal to God and the King, they are not such ; and have given sufficient Demonstration of this matter, by a peaceable submission to his Government in all parts of England, in paying all Taxes levied by Law, and in a patient suffering for Conscience Sake, being many times in Prison, and have suffered the loss of their Goods.

Observ. 2. Furthermore it is declared by this Act, That the Persons intended as Offenders, are such who at their Meetings CONTRIVE INSURRECTIONS ; Now all the Protestant Dissenters will with one voice say, Him or them that are thus guilty, let them suffer according to this or any other Law ; but it is denied that they are at all guilty of this horrid Crime.

Observ. 3. That as their Meetings are and have for a long time been public (and they desire they may be so still) they are not in a Capacity to contrive Insurrections, for as much as all sorts of people, Women as well as Men, Young People as well as Old, may come among them, and see and hear all that they do ; and such as do attend the Dissenters Meetings day after day for a long time, who are not joyned with them in their particular fellowship, can witness for them that in all their Meetings they concern themselves only with matters of godly instructions, and not at all with Disloyal Consultations. Now if any should be so disingenious as to remember and repeat that desperate Insurrection by Venner's Party in the year --60. and so reflect upon and Reproach the Protestant Dissenters in general, it is humbly desired they would Consider these few following things: 1. That Action was done but by a few Men, about thirty was the whole number. 2. That Action and practise was and is detested by the Protestant Dissenters in all parts of England. 3. They that were guilty of that bloody Crime, have suffered the punishments of the Law. 4. Consider, that it is not fair dealing to charge a people in general, for the folly and madness of a few ; it is well known that many of the Members of the Church of England are frequently guilty of horrid Crimes against the Peace of their Sovereign Lord the King, as also against the God of Heaven and Earth, viz. Robbing upon the Highways, breaking

open Houses in Towns and Cities, and many horrid Murders, for which they are Hanged; but it would be very abominable to charge these abominable practices upon the Church of England; or suppose any Courtiers, Lawyers, Clergymen, or Magistrates, should by the instigations of the Devil be led into high Crimes against the King and Government, it would be high injustice to charge or reflect upon all persons of such Ranks and Degrees, as being concerned with such horrid Crimes: Therefore let men learn that blessed Doctrine of Christ, viz. *Do unto others as you would they should do unto you.*

The third particular in the aforesaid Act to be considered, viz. The Persons who are to be punished, and they are *all persons of the Age of Sixteen years, or upwards, being Subjects of this Realm, who shall be present at any Assembly, Conventicle, or Meeting, under Colour or Pretence of any exercise of Religion, in other manner than according to the Liturgy and practice of the Church of England, they being in number five or more, besides the Family or Household; and if it be in a place where there is no Family inhabiting, then the number of five or more are deemed Offenders.* From hence observe these things:

Observ. 1. That such whom this Act accounteth Offenders, are they which meet and assemble together under Colour and PRETENCE of exercise of Religion; which words supposeth that the exercise of Religion, is but pretended, and some bad design is Resolved, v. z. *Contriving Insurrections as aforesaid, and so to colour that design, make a shew of Religion;* but this is not the practice of the Dissenting Protestants, they do not design any other things than the *Real Performance of Religion* in sincerity of heart, to promote godliness among themselves and others, that God may be served, and they may be saved, according to the Precepts and Promises in the blessed Gospel of Christ.

Observ. 2. The Persons accounted Offenders are such as thus under pretence, exercise Religion in OTHER MANNER than according to the Liturgy and Practice of the Church of England; now these words, *in other manner,* may be fairly understood such exercise of Religion as is directly contrary and opposite to the Liturgy and Practice of the Church of England, in the main and substantial parts thereof; but that exercise of Religion which is agreeable to, and corresponds with the practice of the Church of England, in the main and substantial parts thereof, may be truly said to be according to it; every small variation must not be counted a Contradiction: For the Church of England doth vary in some things from each other in their exercise of Religion; in some places they have Organs, and in some they have none, in some they have Singing Men and Singing Boys, and in other places they have none.

Observ. 3. That this Act doth not declare it to be a Crime if any Assembly of people have not the Book called the Liturgy among them, or because they do not Read it in their Assembly, but it doth require that the exercise of Religion among them should be according to the Liturgy and practice

of the Church of England; and therefore let the exercise of Religion in the Church of *England*, and among the Protestant Dissenters, be well considered and compared together, and then we shall see whether it be contradictory or Harmonious in the main and substantial parts. 1. The exercise of Religion in the Liturgy, and as it is practiced in the Church of *England*, doth consist of Prayers to Almighty God, in the name of Jesus Christ his only Son, for Spiritual and Temporal Blessings; and this is the practice of the *Protestant Dissenters* in their Meetings; and the Church of *England* doth use Extempore Prayers as well as the *Dissenters*. 2. The Church of *England* in the exercise of Religion, does give Thanks to God for Mercies Received, and so do the *Protestant Dissenters* in their Meetings. 3. The Church of *England* does instruct Souls from the Holy Scriptures, viz. From the Law of *Moses*, from the Prophets, and from the Epistles and Gospels, and this is the practice of the *Protestant Dissenters* in their Meetings, for which they are Profecuted. 4. The exercise of Religion in the Church of *England* is performed in *English*, and so it is among the *Protestant Dissenters*, that all persons may hear and understand what they say. 5. The Church of *England* doth not allow praying to the Virgin *Mary*, nor prayers for Souls in Purgatory, but denies a Purgatory; they allow but of two Sacraments, viz. Baptism and the Lords Supper, they also allow the Cup as well as the Bread to the Lay-people in Remembering the Death of their Redeemer; these things are the principles and practice of the *Protestant Dissenters*. 6. The Church of *England* hath declared in her Articles of Religion, that the visible Church of Christ is a company of faithful men, in which the pure Word of God is Preached, and the Sacraments be duly ministred, according to Christs Ordinance in all those things that of necessity are requisite to the same, see Article 19. The *Protestant Dissenters* profess and declare the very same Principle. 7. The Church of *England* declareth, that it is not lawful for the Church to Ordain anything that is contrary to Gods Word written, neither may it so expound one place of Scripture repugnant to another, see Article 20. This is also solemnly Professed by the *Protestant Dissenters*.

Observ. 4. That if any *Dissenters* should have the Liturgy of the Church of *England*, and read it all over in their Meetings, and should mingle Sedition with, or contrive Insurrections, against the Government, that Service-Book would not save them from the punishments provided in the aforesaid Act, because then they would be Seditious Conventicles, notwithstanding the Service-Book.

Observ. 5. That such as really and visibly perform the exercise of Religion in praying to God, praising of God, Hearing and Preaching the Word of God, ought not to be punished by the aforesaid Act, for as much as these things are according to the Liturgy and practice of the Church of *England*.

Fourth particular to be considered in the aforesaid Act, is, The manner way of proceedings against the Offenders mentioned in the said Act, viz.

* any Justice of Peace or chief Magistrate where such Offence aforesaid shall be committed, are required and enjoined upon Oath of two Witnesses, or the Confession of the Party, or Notorious Evidence of the Fact, to make Record of every such Offence under his Hand and Seal, which shall be in Law taken and adjudged to be a full and perfect Conviction, and thereupon the said Justice or Magistrate shall impose on every such Offender so Convict, as aforesaid, the Fine of Five Shillings for such first Offence; which Record and Conviction shall be certified by the said Justice, or chief Magistrate at the next Quarter-Sessions of the Peace, for the County or Place where the Offence was committed. From this part of the Act, observe these things:

Observ. 1. That Justices or chief Magistrates are not bound to make it their own business to hunt after such Conventicles, but if proof be made to them of such Meetings, then they are impowred and required to convict such Offenders.

Observ. 2. That one way or another, substantial Proof must be made of the Offence and Offenders, *viz.* either Confession of the Party, or Oath of two Witnesses, or Notorious Evidence and Circumstance of the Fact. Now these words, *Notorious Evidence and Circumstance of the Fact*, must be some thing or things that are equivalent with Confession of the Party, or Oath of Witnesses. It is not every Justice or Constable thinking, supposing, or dreaming that there are such Meetings, but it must be Notorious Evidence of the Fact.

Observ. 3. That though a Justice may Convict and Fine the Sum of Five Shillings for the first Offence, yet here is no direction given to make Distress and Sale of the Offenders Goods and Chattels for the first Offence, but a Record must be made of the Offence and Offender, and certified to the next Quarter Sessions.

Fifth Particular to be considered, is, The Offenders repeating the Offence. And if such Offender shall again commit the like Offence, and be thereof Convict as in manner aforesaid, then he shall be Fined the Sum of Ten Shillings, which Fine and Fines for the first and every such Offence, shall be levied by Distress, and Sale of the Offenders Goods. And in case of the Poverty of the said Offender, upon the Goods and Chattels of any other Offender who shall be then Convict in manner aforesaid, so as the Sum do not amount to above the Sum of Ten pounds. From hence observe these things:

Observ. 1. That upon the second Offence, a Distress may be made upon the Offenders Goods and Chattels, for the first as well as for the second Offence.

Observ. 2. That it is somewhat strange, That one Man should suffer for the Fault of another; yea, one Man for the Faults of a great many.

Observ. 3. That Justices had need be careful that there is so many Persons Convict, whose Five or Ten Shillings doth amount to the Sum of Ten Pounds

Pounds, if they levy the Sum of Ten Pounds upon any one Man for the default of others, and that they be sure such are not able to pay their Five or Ten Shillings Fines.

Sixth Particular to be considered. It is also provided by the aforesaid Act, That such Officers as go to make Distress upon the Goods and Chattels of the Offenders, shall have a Warrant under the Hands and Seals of some Justice of the Peace, or Chief Magistrate so to do, and the money levied to be forthwith delivered to the same Justice or Chief Magistrate, and so by them to be distributed one third part to the use of the King, the other third part to the Poor of the Parish, and the other third part to the Informers, and to such persons as the said Justice of Peace shall appoint, having regard to their diligence and industry in discovering and dispersing, and punishing such Conventicles. From hence observe these things:

Observe. 1. That though Persons be Convict, yet Constables have no power to make Distress upon any mans Goods, without a Warrant under the Hand and Seal of some Justice of the Peace, or Chief Magistrate.

Observe. 2. That when Constables have a Warrant to make Distress, this Act doth not empower them to break open any mans door, that so they may take away his Goods; neither doth it require them to lurk about Mens houses, to find opportunity that they may surprize Mens houses, and therefore they being Officers of the Peace, ought to depart in Peace.

Observe. 3. That such Officers must be sure that when they make Distress, it be upon the Offenders own Goods, and not the Goods of other men, which may be in the Offenders hands, lest they meet with such trouble as they may not easily defend by Law.

Observe. 4. That the third part of such Fines may be given to the diligent Assistants, as well as to the Informers; so that the Informers may have but poor wages, if the Justices should appoint any other persons to be helpful in the same work, and the third part of Fines distributed as aforesaid.

Seventh particular to be considered in the aforesaid Act, is, The penalty of every person who shall take upon him to Preach or Teach in any such Meetings, Assembly or Conventicle, and be Convicted as aforesaid: Shall forfeit for every such first Offence, the Sum of Twenty Pounds; and if such Offender, shall at any time again Commit the like Offence, and be Convicted thereof in manner aforesaid, shall incur the Penalty of Forty Pounds, to be levied and disposed as aforesaid; and his name and Habitation not known, or is fled and cannot be found, or in the judgement of the Justice or Chief Magistrate thought unable to pay, then they may levy the same by Warrant upon the Goods and Chattels of any such Persons, who shall be present at the same Conventicle.

From hence Observe,

Observe. 1. That to Preach or Teach in any Meeting, is not a Crime to be punished.

punished by this Act; But to Preach or Teach, in any such Meetings, Assembly or Conventicle; which words *such Meetings*, is to be referred to what is aforesaid, viz. A Seditious Meeting, and that contriveth Insurrections, and so it must be understood of Preaching Seditious Doctrine, and fomenting or promoting Insurrections against His Majesties Government, and Preaching such things as are not at all consistent with the Doctrine of the Church of England.

Observ. 2. That such as meet peaceably together without doing any harm to the Persons of His Majesties Subjects, and whose Preachers Teach Repentance for Sin, Faith in Christ, the fear of God, and honouring the King suitable to a right fearing of God, and love to their Neighbours, ought not to be Prosecuted or punished by this Act, for as much as this Doctrine is according to the Doctrine of the Church of England.

Right particular to be considered, is the penalty of those that admit and entertain wittingly and willingly such Meetings or unlawful Assemblies aforesaid in his or her house, out-house, Barn, Yard, or backside, shall forfeit the Sum of Twenty Pounds, to be levied in manner aforesaid, and in case of Poverty of the Person, then to be levied upon the Goods and Chattels of such Persons as shall be Convicted of being present at the same Conventicle.

From hence observe,

Observ. 1. That such only are Offenders by this Act, as admit and entertain in such unlawful Assemblies as aforesaid, viz. Seditious, and Contriving Insurrections.

Observ. 2. That but one Twenty Pounds as a penalty or forfeit, is mentioned for the wittingly suffering such a Meeting, it is not said Twenty Pounds for the first Offence; and if they shall again commit the like Offence, then the same, or a greater Sum they shall forfeit for every such Offence, as it is expressed in the Hearer or Preacher's Offence.

Ninth Particular to be considered, *Provided also, That in all Cases of this Act, where the Penalty shall exceed the Sum of Ten Shillings, and such Offender shall find himself aggrieved, it shall and may be lawful for him within one week after the Penalty shall be paid or levied, to appeal in writing from the Justice convicting, to the judgment of the Justices of the Peace in their next Quarter-Sessions, whereupon such Offender may plead, and make defence, and have his Tryal by a Jury thereupon, provided always, that every such Appeal shall be left with the person or persons convicting, as aforesaid, and the Appellant to enter into Recognizance to prosecute with effect.* From hence observe;

Observ. 1. That the Law-makers did fore-see, and were apprehensive of some damage and injury that might sometimes happen to some of His Majesties Subjects, by the ill prosecution of this Act, through a misunderstanding thereof by the Prosecutors.

Observ. 2. That the best and most legal way to determine Offences

against the Law in matters between the King and the Subject, and between Man and Man, is by Juries of wise and honest Men; and therefore the King and Parliament by this Act, hath not given the whole and sole determining of the Cases therein contained, to any Justice of Peace, or Chief Magistrate.

Tenth Particular to be considered, *It is further provided by the Authority aforesaid, That Justices of the Peace, and Chief Magistrates respectively, or the Constables, Head-Boroughs, and Tything-Men, by Warrant from the said Justices, or Chief Magistrate respectively, shall and may take with them such Aid and Force as they shall think fit, to break open and enter any House, or other place, after Refusal, or Denial. And that the Lieutenants, or Deputy-Lieutenants, or any Commissionated Officer of the Militia, or other of His Majesties Forces of Horse and Foot, and also the Sheriffs, and other Magistrates and Ministers of Justice, or any of them jointly or severally, on Certificate made to them respectively under the Hand and Seal of any one Justice of the Peace, or Chief Magistrate, of his particular Information, or knowledge of such unlawful Meeting or Conventicle held, or to be held, shall, by the best means they can, dissolve, dissipate, or prevent all such unlawful Meetings, and take into their Custody such Persons as they shall think fit, to the intent they may be proceeded against according to this Act. From hence observe:*

Observ. 1. That Constables and other Officers are not bound nor required to go to such Meetings, without Warrants from some Justice or Chief Magistrate.

Observ. 2. That the AID and FORCE to assist them, are not to be imposed upon them, but such as are called and chosen by them, as they shall think fit.

Observ. 3. That Officers have no power to make a **FORCIBLE ENTRY** into any house or place, without first a **DENIAL** or **REFUSAL** of Entrance, which therefore ought first to be fairly demanded.

Observ. 4. That the Officers must first be sure that it is such a Meeting or Conventicle as is aforesaid, viz. Seditious, and that contriveth Insurrections.

Observ. 5. That whereas Lieutenants, Deputy-Lieutenants, Sheriffs, Commissionated Officers of the Militia, and other His Majesties Forces of Horse and Foot, and other Magistrates jointly or severally are mentioned to assist in this work of preventing and suppressing such Meetings, they are not to run in this work of their own **ACCORD**, but be called thereon by **CERTIFICATE**, under the Hands and Seals of some Justice or Chief Magistrate.

Observ. 6. That such Certificate must proceed from some particular Information given to such Justice, or from his own certain knowledge of such Meetings held, or to be held, that so the Countrey may not be put to trouble, and His Majesties Subjects amazed without just cause.

Observ. 7. Magistrates, and other Officers, had need remember and consider,

sider, that there is an Act of Parliament since this against Conventicles, which forbiddeth the Execution of any Writ, Warrant, Process, Order, Judgment or Decree, upon the LORDS-DAY, except in Cases of Treason, Felony, or Breach of the Peace.

If any shall presume to say, That the peaceable Meetings of Protestant Dissenters, (who spend their time in praying to the God of Peace, for the Peace of their own Souls, and the Peace of the Realm) and that Preach the Gospel of Peace, whereby the best Peace is maintained in Families, Cities and Kingdoms) is a Breach of the Publick Peace of this Kingdom, it may be safely concluded, that such Men do not well understand God's Law, nor the King's Law.

Eleventh Particular to be considered, is the Prosecution of the aforesaid Act against a Peer of this Realm who is an Offender; *Provided, That no Peer of this Realm shall have his House searched, where he or his Wife shall be then Resident, but by immediate Warrant from His Majesty under His Sign Manual, or in the presence of the Lieutenant, or Deputy-Lieutenant, or two Justices of the Peace, whereof one to be of the Quorum, of the same County or Riding.*

Observ. This part of the Act sheweth the difference between the prosecuting of a Peer, and a Commoner. A Peers House cannot be searched without an immediate Warrant from the King, or the presence of the Lieutenant, or Deputy-Lieutenant, or two Justices of the Peace, whereof one to be of the *Quorum*, and no mention made of breaking open of a Peers doors; but a Commoner may have his doors broke open by Constables, if they have a Warrant from one Justice of the Peace, and be denied Entrance, they knowing there is such a Conventicle, as aforesaid.

Twelfth Particular to be considered, is the default of Constables, and other Officers; *That if any Constable, Head-Borough, Tything-Man, Church-Warden, or Over-Seer of the Poor, who shall know, or be credibly informed of any such Meetings or Conventicles held within his Precincts, Parish or Limits, and shall not give Information thereof to some Justice of the Peace, or Chief Magistrate, and endeavor the Conviction of the Parties; or if any person lawfully called in Aid of the aforesaid Officers, shall wilfully and wittingly omit the performance of his Duty, in the Execution of this Act, and be thereof Convicted, in manner aforesaid, shall forfeit for every such Offence the Sum of Five Pounds, to be levied upon his Goods and Chattels, as aforesaid.* From this part of the Act observe these things:

Observ. 1. That Constables and other Officers, are to have CERTAIN KNOWLEDGE of such Meetings, before they proceed to prosecute this Law against them.

Observ. 2. That this knowledge must be such, as may reach to the Conviction of the Offender; and therefore they must SO know, as they may be able to SWEAR mitter of Fact expressed in this Act.

Observ.

Observ. 3. That they cannot SO know of the aforesaid Meetings; with out they be *present* there; and take notice who it is that Preacheth; and the matter that is Preached; whether it be Seditious; and promoteth Insurrections.

Observ. 4. That this Act doth not require the aforesaid Officers to make it their Business, to seek out and hunt after such Meetings, so as to neglect their own being at Church to hear the Word of God, for the welfare of their own Souls.

Observ. 5. For want of knowledg the Officers are required to proceed upon credible Information, not every or any kind of Information, but *credible* Information, and that is, such as this Act Requireth, *viz.* The Oath of two Witnesses before a Justice of the Peace or chief Magistrate.

Observ. 6. That if after all this, the aforesaid Officers shall willingly and wittingly omit their Duty and be convict, as in manner aforesaid, then they shall forfeit for every such Offence, the Sum of Five Pound, to be levied upon their Goods and Chattels, and disposed of in manner aforesaid.

Observ. 7. That the Officers must be Convict of their Offence as aforesaid, and that is by the Oath of two Witnesses.

Thirteenth particular to be considered, is the fault and punishment mentioned in this Act of the Justices or Chief Magistrate, *If they shall wilfully and wittingly omit their Duty in the Execution of this Act, then the Justices or Chief Magistrate shall forfeit the Sum of one hundred Pounds; the one moiety to the use of the Kings Majesty, the other moiety to the use of the Informer, to be Recovered by Action, Suit, Bill, or Plaint, in any of His Majesties Courts at Westminster.*

From hence Observe;

Observ. 1. That but one hundred Pound is mentioned as the forfeit of a Justice or Chief Magistrate, it is not said for every such Offence or if at any time such Justice shall again Commit the like Offence, he shall forfeit one hundred Pounds, as it is expressed in the Offences of the Meeters and Officers.

Observ. 2. That the said one hundred Pounds is not to be levied upon the Goods and Chattels of the said Justice of Peace or Chief Magistrate; but it must be Recovered by Action, Suit, Bill, or Plaint, in any of His Majesties Courts at Westminster; where such Justice or Chief Magistrate thus informed against, and Prosecuted, will have the great Benefit of a Company of their fellow Subjects called good men and true, *viz.* A Jury, to hear and Determine the whole matter, who will without doubt inquire whether the Meetings informed against were for godly Instruction, or whether they were Seditious Conventicles to contrive Insurrections, or such Meetings as are inconsistent with the practice of the Church of England.

Observ. 3. That if upon proof of such Meetings, the one hundred Pounds be Recovered, then it is to be divided between the King and the Informer.

Observ. 4. That the poor of the Parish is quite shut out from having any

Benefit of the said hundred Pounds. But let us now proceed to the

Fourteenth particular to be considered in this Act, *That if any person be sued for putting in Execution any of the powers contained in this Act, otherwise then upon Appeal allowed by this Act, such person shall plead the General Issue, and give the special matter in Evidence; and if the Plaintiff be Non-Suit, or a Verdict pass for the Defendant, or if the Plaintiff discontinue his Action; or if upon Demurrer judgment be given for the Defendant, every such Defendant shall have his full treble costs.* From this part of the Act, observe these things :

Observ. 1. That such as put in Execution the powers contained in this Act, may be sued for the same otherwise then by Appeal allowed by this Act, viz. by other Laws.

Observ. 2. That such person so sued, may plead the general issue, and give the special matter in Evidence, and that is the particular Crimes expressed in this Act, viz. *Seditious Conventicles Contriving Insurrections.*

Observ. 3. If the Plaintiff be Non-suit, or discontinue his Action, or if a Verdict pass for the Defendant, or upon Demurrer judgment be given for the Defendant, every such Defendant shall have his treble costs.

Observ. 4. That such as will venture a Tryal at Law with the Dissenting Protestants as the Transgressors of this Act, in hopes to have treble costs, may meet with a great disappointment, if there be a wise and honest Jury, who understand Law and good Reason.

Fifteenth particular to be considered in the aforesaid Act; *That all Clauses therein Contained, shall be construed most largely and beneficially for the suppressing of Conventicles, and for the encouragement of all persons to be employed in the Execution thereof.*

From hence observe these things :

Observ. 1. That these large expressions are not a licence to commit violence either upon the Persons or the Goods of any of His Majesties Subjects contrary to other Laws, especially that Law called *Magna Charta.*

Observ. 2. That if any persons under pretence of Prosecuting this Act, should commit violence, viz. should Wound or Beat any of His Majesties peaceable Subjects, may be Indicted for a Riot; or if they should kill any of them, such Prosecutors may be Indicted for Murder; or if they should violently Break open mens Houses to force away their Goods, such may be Indicted of Felony, notwithstanding the large and beneficial construing of the aforesaid Act.

Observ. 3. The best way to escape harm, is not to do harm; and therefore the Prosecutors of this and other Laws, had need take heed that they do not run upon strange Interpretations, but act according to the plain expressions in the Law.

Sixteenth particular to be considered; *That in case any person offending against this Act, shall be an inhabitant in any other County or Corporation, or fix in*

to any other County or Corporation, after the Offence Committed, The Justice or Chief Magistrate that Convicted the aforesaid person, shall Certifie the same under his Hand and Seal, to any Justice or Chief Magistrate of such other County or Corporation; which said Justice or Chief Magistrate is hereby Authorized and required to levy the Penalty or Penalties in this Act mentioned.

From hence it doth plainly appear, that though an Offender be an Inhabitant in some other County or Corporation, yet he ought to suffer the penalty of the Law himself, if he be able, and can be found, and therefore a Justice or chief Magistrate ought not to levy such an ones Fines upon any other persons.

Seventeenth particular to be considered; That no person shall be punished for any Offence against this Act, unless such an Offender be Prosecuted for the same within three months after the Offence Committed, and that no person who shall be punished for any Offences by vertue of this Act, shall be punished for the same Offence by vertue of any other Act or Law whatsoever.

From hence Observe,

Observ. 1. That no Offender of this Act can be Prosecuted by this Act after three months, from the time of the Offence Committed.

Observ. 2. This Act supposeth there be other Laws against the same Offences mentioned in this Act.

Observ. 3. That such as are punished by this Law for the Offences therein mentioned, are freed from the punishments provided by other Laws for such Offences.

Eighteenth particular to be considered; That every Alderman of London shall have the same power and authority within London, and the Liberties thereof, (for the examining, convicting and punishing of all Offences within this Act Committed within London which any Justice of Peace hath by this Act in any County of England, and shall be subject to the penalties and punishments for not doing that which by this Act is directed to be done by any Justice of Peace in England.

Observ. 1. That every Alderman of London, whether past the Chair or not, is empowered by this Act to act as a Justice of the Peace, in Examining, Convicting, and Punishing all Offences against this Act, committed within London.

Observ. 2. That forasmuch as all the Aldermen of the City of London are not Justices of the peace, so as to act in all Cases of the Laws in general, therefore he that hath only a power to act by this Law, had need take the greater care, that he do not Act, contrary to the Rules and Directions, plainly Expressed in the aforesaid Act, viz. That he doth not prosecute *gedly* meetings, instead of *Seditious* meetings: nor prosecute quiet and peaceable meetings, as if they were contrivers of insurrections.

Nineteenth particular to be considered, in the aforesaid Act That if a Female covert, cohabiting with her husband be the offender, and be convicted as aforesaid

the,

the penalties of Five and Ten shillings, shall be levied upon the Goods and Chatties of the Husband.

Observ. That no higher then Ten shillings fine, can be imposed upon a wife living with her husband, the sum of Ten Pounds cannot be imposed and levied upon the Husbands goods and Chatties for the offence of other persons.

Twentieth particular. *Provided that no Peer of this Realm shall be attached or imprisoned by vertue or force of this Act.*

Observ. This is some kind of favour to the person of a Peer, more then to the person of a Commoner, as is also Extended to the house of a Peer, in another part of this Act.

One and twentieth particular to be considered, *That neither this Act, nor any thing contained therein, shall Extend to invalidate or avoid his Majesties Supremacy in Ecclesiastical Affairs.*

Observ. From hence it doth appear, that the Lords and Commons assembled in Parliament, were very careful to preserve the Supremacy or Power of his Majesty in Ecclesiastical affairs, and therefore none ought to improve, stretch, or strain any Expressions in this Act, so as to intrench upon that Power of the King, as may be more fully understood in the following and concluding words of this Act.

Two and twentieth particular. *But that His Majesty and his Heirs and Successours, may from time to time, at all times hereafter, Exercise and Enjoy all Powers and Authorities, in Ecclesiastical affairs, as fully and as amply as himself, or any of his Predecessours have, or might have done the same, any thing in this Act notwithstanding.* From hence observe,

Observ. 1. That this Act doth own and allow his Majesty hath Power and Authority in Ecclesiastical Affairs.

Observ. 2. That his Majesty may from time to time, and at all times hereafter, Exercise this his power and authority, in Ecclesiastical affairs, as fully and as amply as himself, or any of his Predecessours, have or might have done. Now this power of his Majesty, is not only a power to bestow and confer Ecclesiastical Dignities and Preferments on whomsoever his Majesty shall think fit; but it is also a power of abating, restraining, or suspending the severity of proceedings, in respect to matters of Conscience, which his Majesty, was grationally pleased to declare, as his Royal mind, in his Declaration from Breda April 4. 14. 1660. in these very words, *We do declare a liberty to tender Consciences, and that no man shall be disquieted, or called in question for differences of opinion, in matters of Religion, which do not disturb the peace of the Kingdom; and that We shall be ready to consent to such an Act of Parliament, as upon mature deliberation shall be offered to Us, for the full granting that Indulgence.*

But besides this Royal Promise of his Majesty from Breda, and since the Act against seditious Conventicles hath been made, and too fiercely prosecuted
against

against the Protestant Dissenters, His Majesty was graciously pleased, to take into his Princely compassionate consideration, the severities his loving Subjects had long laboured and groaned under, and therefore did assert and resolve the exercise of his power, in Ecclesiastical matters, as may be plainly seen in His Majesties Declaration to all his loving Subjects, published by the advice of his Privy Council, March 15: 1676. in these very words, page 1.

But it being evident, by the sad experience of twelve yeares, that there is very little fruit of all those forceable courses, We think Our Self obliged to make use of that Supream power in Ecclesiastical matters, which is not only inherent in Us, but hath been declared and Recognised to be so, by several Statutes and Acts of Parliament; and therefore We do issue this Our Declaration as well for the quieting the minds of Our good Subjects in these points, as for inviting strangers in this conjuncture to come and live under us, and for the better encouragement of all to a cheerful following their Trade and Callings, from whence we hope by the blessing of God to have many good and happy advantages to our Government.

And in page 5. of the aforesaid Declaration the King is pleased to declare as followeth.

We do in the next place declare Our will and pleasure to be, That the Execution of all and all manner of Penal Laws in matters Ecclesiastical, against whatsoever sort of Nonconformists or Recusants, be immediately suspended, and they are suspended; and all Judges, Judges of Assize and Gaol-delivery, Sheriffs, Justices of the peace, Mayors, Bailiffs, and other Officers whatsoever, whether Ecclesiastical or Civil, are to take notice of it, and pay due obedience thereunto.

And besides all this, the Lords and Commons assembled in Parliament, did lately take into their wise consideration the distresses of many of His Majesties Protestant Subjects, who to their great damage had greatly suffered by the prosecution of the 36 Elizabeth, and had prepared a Bill to free His Majesties Protestant Subjects from being prosecuted by that Law; but that Bill unhappily miscaried, and came not to His Majesties hand, and so His Majesty missed of the opportunity to make a great performance of what he had so long ago promised at Breda, to give his Royal Assent by consent of Parliament, to such Acts as might be for relieving his Subjects of Tender conscience.

Therefore to conclude, let these few things be soberly inquired into.

1. Whether the Protestant Dissenters have not now as much need of liberty of conscience, as when His Majesty did promise it from Breda?

2. Whether the granting liberty of conscience now, will not be as much for the encouraging of strangers to come under His Majesties government, and for the quieting the minds of his Majesties Subjects, as also for the encouragement of Trade in the whole Kingdom, as when his Majesty declared an indulgence to all sorts of his Protestant Subjects in the year Seventy One?

3. Whether it is not more Feizable now, seeing the Lords and Commons lately assembled in Parliament, were willing to walk in this good path, which his Majesty so long ago shew'd his willingness to lead them?

4. Whether the Succoring and Protecting of the Persecuted *French* Protestants and Prosecuting of *English* Protestants, doth harmonize and agree together?

5. Whether Protestants Persecuting of Protestants in *England*, be the best way to convince the *French* Papists of their Sin in Persecuting the Protestants in *France*?

6. Whether the Conforming Protestants in *England*, if they continue faithful to Protestant Principles, will not suffer the same miseries, (viz. Hanging and Burning, as the Nonconforming-Protestants may) if ever Popery should get uppermost in *England*?

7. Whether it be not best for all such as are in danger of such a bloody Enemy, to live together, and love one another as Brethren?

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